

Remarks

Claims 27, 36, 92-95, 103, 110, 111 and 122-125 were pending in the instant application.

Without acquiescing to the propriety of the instant rejections, merely to expedite prosecution of this case, and based on an interview with Examiner Schuberg, Applicants have withdrawn elected Claims 27, 36, 92-95, 103, 110, 111 and 122, and instead, have elected Claims 123-125 (withdrawn from consideration previously). Claim 125 has been canceled herewith.

Claims 123-124 describe what Applicants have always considered to be their invention. Claim 123 has been amended to more clearly define what Applicants have always considered to be their invention, and now recites “an agglomerated protein-free mammalian cell culture medium powder prepared by agglomerating a protein-free, dry powder mammalian cell culture medium with a solvent, wherein the agglomerated protein-free mammalian medium powder exhibits reduced dusting and a larger particle size than does the non-agglomerated, dry mammalian medium powder”. Support for this amendment can be found in withdrawn claim 94.

In addition, Applicants have added dependent Claims 126-137, support for which can be found in presently withdrawn claims 27, 36, 92-95, 103, 110, 111 and 122 and throughout the specification.

Interview with Examiner Schuberg

On May 3rd, 2010, Applicants’ representative Daphne Reddy discussed the elected claims with Examiner Schuberg. Applicants indicated that they would like to elect claims 123-125 instead, and the Examiner agreed to this election. The Examiner advised that a response should be prepared applying the currently cited art to the elected claims 123-125. Applicants have added claims 126-137, and have responded below by applying the cited art to the elected and currently added claims. Applicants respectfully thank the Examiner for her time and suggestions.

Rejections

35 U.S.C. §103(a)- Obviousness

Claims 27, 36, 92-95, 103, 111 and 122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe *et al.* (EP 0283942) in view of Fassolitis *et al.* (*Applied and Environmental Microbiology*, Vol. 42, No. 2, pp. 200-203 (1981)), Peebles (U.S. Patent No. 2,835,586) and Prestrelski *et al.* (U.S. Patent No. 5,580,856) (Office Action, page 4).

Applicants respectfully traverse the above rejection with respect to the presently elected and added claims. Independent claim 123 is directed to agglomerated *protein-free* mammalian cell culture medium powders prepared by agglomeration, which exhibits reduced dusting and a larger particle size than does the non-agglomerated, dry mammalian medium powder from which it was prepared.

Applicants make the following points below in favor of patentability: none of Wolfe *et al.*, Peebles, Fassolitis *et al.*, Prestrelski *et al.*, taken either alone or in combination, describe an agglomerated mammalian cell culture medium powder which is protein-free, prepared by agglomerating a protein-free, dry powder mammalian cell culture medium with a solvent, wherein the agglomerated protein-free medium powder exhibits reduced dusting and a larger particle size than does the non-agglomerated, dry mammalian medium powder. There is no teaching in any reference that would motivate one skilled in the art to combine the reference either. Even if, for argument sake, one did combine these references, even in their broadest sense, the combination teaches an agglomerated media that is a powdered milk media, to grow animal cells. This is not protein-free. The combination does not teach that one can grow mammalian cells in protein-free media. Prestrelski *et al.* specifically teaches *protein* compositions like growth factors and insulin (Office action, page 6, last line and page 7). Taken together, one skilled in the art would not come up with a protein-free agglomerated mammalian cell culture media from the instant references.

In addition, when “an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” (See M.P.E.P. § 2143.03.)

As such, Applicants respectfully submit that the combination of the cited documents cannot be used to present a *prima facie* case of obviousness under 35 U.S.C. § 103(a) with respect to the claims presented herein.

Conclusion

Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

/Daphne Reddy/

Registration No. 53,507
Daphne Reddy
Agent for Applicants
760-268-8397

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